



Development Plan Consultation Policy

Table of Contents

1.	Purpose	3
2.	Scope	3
3.	Context	3
4.	Statement	3
4.1	What is the Development Plan Overlay?.....	3
4.2	What is the Function of the Development Plan Overlay?	3
4.3	Council Consideration of Development Plans.....	3
4.4	Public consultation	4
4.5	Amendment to approved development plans.....	4
4.6	Lodgement fees for a Development Plan.....	4
5.	Roles and Responsibilities	5
6.	Definitions	5
7.	Human Rights	6
8.	Gender Equality	6
9.	Risk Reference	7
10.	References and Supporting Documents	7
10.1	Applicable Legislation:	7
10.2	Applicable Policy and Procedure:	7
10.3	Supporting Documents:	7
11.	Review and Revision History	7
11.1	Administrative Updates.....	8
11.2	Document Control Disclaimer	8

1. Purpose

The purpose of this Policy is to:

- support the Council Plan 2025-2029 and Council's Community Engagement Policy; and
- ensure that the public consultation and stakeholder engagement processes associated with development plans are consistent and transparent.

2. Scope

This Policy applies to private individuals or groups, referred to as applicant/s, or proponents, who lodge a development plan with Council in accordance with the Development Plan Overlay (DPO) contained within the East Gippsland Planning Scheme.

3. Context

The DPO is a statewide planning control that is exempt from public notice and consultation requirements. However, in accordance with Council's Community Engagement Policy, Council undertakes community consultation on development plans as outlined within this Policy.

4. Statement

4.1 What is the Development Plan Overlay?

The DPO is a planning tool used to identify areas which require the form and conditions future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

4.2 What is the Function of the Development Plan Overlay?

The DPO establishes the vision and land-use strategy for a site and provides statutory certainty regarding future use and development. It prescribes, the required content of development plans, removes notice and third-party review rights for planning applications that comply with an approved plan, and ensures that any permits issued are consistent with that plan.

The DPO also requires consideration of the site's attributes, character, context and its relationship with surrounding land when preparing and assessing a development plan.

4.3 Council Consideration of Development Plans

An applicant must lodge a development plan with Council for approval. Given that development plans can be quite complex and cover a wide range of issues and disciplines, Council Officers **may**:

- Refuse the lodgement of a development plan due to lack of information.
- Request further information from the applicant throughout the assessment process.
- Require payment of fees prior to assessment advice being provided.

Council Officers will:

- Refer development plans internally and to external referral authorities for specialist comment and advice.
- Undertake a public consultation process (as outlined).
- Bring the matter before Council for the final recommendation to refuse or approve the development plan (with or without conditions)

- Subject to obtaining Council approval, endorse the plans and retain a copy of the endorsed plans for public access.

The assessment and decision-making process may take in excess of 12 months due to the complexity and level of detail required for some development plans.

4.4 Public consultation

Council's Community Engagement Policy outlines how we engage and the objectives for community engagement.

Council is committed to informing and consulting with the community during the Development Plan assessment stage given the absence of review rights during the planning permit process.

In consideration of the abovementioned notice requirement exemptions, Council has committed to a public notice period of a minimum of 21 days. As part of this consultation process, the public are invited to provide feedback. Any feedback received is then considered by Council at a formal Council meeting before a decision on the Development Plan is made.

Public consultation processes may vary depending on the location and nature of the Development Plan but, at a minimum, will include:

- notification to the public via notices in the local media;
- information on Council's website; and
- written notification to immediately adjoining landowners.

4.5 Amendment to approved development plans

Council accepts that amendments may need to be made to approved development plans over time. Upon lodgement of any amended documentation, Council Officers will determine whether the amendment constitutes a minor or major modification and undertake an internal approval process in accordance with this Policy.

Requests for amendments to an approved development plan may require a community consultation process (subject to consideration of changes), and this will be determined by Council Officers and communicated to the applicant.

Depending on the amendments proposed, the matter may need to be taken before Council for a decision. Where a Council decision is not required, a decision on the amended development plan can be delegated to the General Manager Place and Community.

In the event that Council Officers determine that the proposed modifications significantly alter the intent, purpose or outcome of the approved development plan, Council reserves the right to request a new development plan and recommence the process in accordance with this Policy.

4.6 Lodgement fees for a Development Plan

Fees will be charged for new or amended development plans as per the Schedule of Fees and Charges in Council's Annual Budget.

Please contact Council Officers for more information.

5. Roles and Responsibilities

The following teams or positions have direct and/or supporting responsibilities associated with this Policy:

Position	Roles and Responsibilities
General Manager Place and Community General Manager Projects and Planning	To ensure community awareness of this Policy, oversee the implementation and monitoring of staff compliance.
Manager Planning and Development	To ensure community awareness of and staff adherence to this Policy.
Planning Unit Staff	Complying with the requirements of this Policy.

6. Definitions

Term	Meaning
Action Officer	Member of East Gippsland Shire Council staff responsible for answering or responding to a request for information.
Community	People who live in East Gippsland; People and organisations who are ratepayers in East Gippsland; and People and organisations who conduct activities in East Gippsland.
Contractor	Person or company engaged to undertake works for Council, including service providers / service partners.
Council	East Gippsland Shire Council.
Councillor	A person who has been elected to the office of "Councillor" of East Gippsland Shire Council.
Council Officer	A current member of East Gippsland Shire Council staff with the authority to engage in activities on behalf of Council.
Responsible Officer	The staff member of East Gippsland Shire Council who has responsibility for the general area/subject matter to which a record pertains.
Shire	The geographic area of East Gippsland Shire Council.
Staff	All staff engaged by East Gippsland Shire Council, including all full-time, part-time, and casual employees, labour hire agency staff and contractors.
Applicant	An individual or group who lodge a development plan with Council for assessment and/or approval.
Development	Development includes the construction, alteration or demolition of a building or works and the subdivision and consolidation of land.
Minor amendment	An amendment that is generally in accordance with the intent, purpose and outcomes of the approved development plan.

Term	Meaning
Major amendment	An amendment that materially transforms the intent, purpose and outcomes of the approved development plan.
Overlay	The planning scheme map may show that a piece of land has an overlay as well as a zone affecting it. Not all land has an overlay. Some land may be affected by more than one overlay. If an overlay applies, the land will have some special feature such as a heritage building, significant vegetation or flood risk.
Planning Permit	A planning permit is a legal document that allows a certain use or development to proceed on a specified parcel of land. The benefit of the permit generally attaches to the land for which it has been granted although a permit is sometimes made specific to a nominated owner or operator. A permit is always subject to a time limit and will expire under specified circumstances. The responsible authority will impose conditions when granting a permit and endorsed plans will also usually form part of the permit. The proposal must satisfy all of the conditions on a planning permit.
Planning Scheme Amendment (PSA)	The Minister for Planning may prepare amendments to any provision of a planning scheme (section 8). The Minister may also authorise the preparation of an amendment by another Minister (section 9), a public authority (section 9), and a municipal council (sections 8A and 8B).
Public notice	In some instances, in considering a planning permit application, the responsible authority will give notice or require notice to be given to adjoining owners and occupiers, unless it concludes that material detriment will not be caused to any person, or the planning scheme specifically provides for an exemption from the notice requirements. There are several standard procedures for giving notice of an application. The requirements for giving notice of an application are set out in section 52(1) of the <i>Planning and Environment Act 1987</i> . A planning scheme can also specify particular requirements for giving notice.
The Act	<i>Planning and Environment Act 1987</i>
Use	Use of land refers to using land for a particular purpose (such as dwelling or shop) and may not involve building anything.

7. Human Rights

Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006* (the Charter). This Policy has been assessed as compliant with the obligations and objectives of the Charter.

8. Gender Equality

This Policy has considered the *Gender Equality Act 2020* in its preparation and has been assessed as not requiring an Equity Impact Assessment (EIA).

9. Risk Reference

This Policy is implemented as a control to mitigate risks in the following categories:

Risk Category	✓	Risk Category	✓
Community	✓	Governance and Reputation	✓
Financial		Environment	
People and Property	✓	Service Delivery and Projects	

10. References and Supporting Documents

10.1 Applicable Legislation:

- *Planning and Environment Act 1987*
- *Planning and Environment (Fees) Regulations 2016*
- *Local Government Act 2020*

10.2 Applicable Policy and Procedure:

- Community Engagement Policy
- Development Plan Procedure

10.3 Supporting Documents:

- PPN23: Using the Incorporated Plan and Development Plan (DELWP, September 2022)
- East Gippsland Shire Council Plan 2021 - 2025
- Annual Actions Plans

11. Review and Revision History

Version Number	Date Approved	Approved By	Review Summary
1	9 May 2017	Council	New Policy
2	21 March 2023	Council	Policy updated to new Policy Template New input to the Scope and Policy Context Minor revision to all content
3	21 July 2026	Council	Policy updated to new Policy Template New input to the Scope and Policy Context Minor revision to all content

11.1 Administrative Updates

Minor amendments to this document may be required from time to time. Where amendments do not materially alter the intent of a document, they will be made administratively and approved by the Document Owner.

11.2 Document Control Disclaimer

Printed copies of this document are considered uncontrolled. Please refer to the Corporate Document Register on Council's intranet to access the most current version of this document.